

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**JAN 24 2014**

Clerk, U.S. District Court  
District Of Montana  
Missoula

ROBERT BRUSE,

Petitioner,

vs.

TOM GREEN; ATTORNEY GENERAL  
OF THE STATE OF MONTANA,

Respondents.

CV 13-313-M-DWM-JCL

ORDER

Robert Bruse is a state prisoner proceeding pro se. He petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Lynch recommends dismissing the petition. (Doc. 4.)

Bruse timely filed an objection to Judge Lynch's Findings and Recommendation, (Doc. 5), and is therefore entitled to *de novo* review of the specified findings or recommendations to which he objects. 28 U.S.C. § 636(b)(1). However, Bruse's "objection" states that he does not object to Judge Lynch's Findings and Recommendation. Therefore, the Court reviews the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v.*

*Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

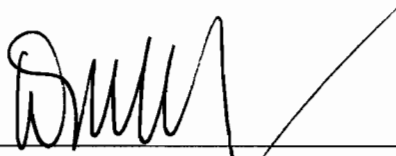
The Court finds no clear error with Judge Lynch's determination that remedies remain available to Bruse in the state courts, which must be exhausted before he may file with this Court.

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 4) is ADOPTED IN FULL. Robert Bruse's petition for writ of habeas corpus (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 24<sup>th</sup> day of January, 2014.

  
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Donald W. Molloy, District Judge  
United States District Court

